UNITED
NATIONS

CCPR

International covenant
on civil and
political rights

Distr.
GENERAL

CCPR/C/SR.1591
21 July 1997

Original: ENGLISH

HUMAN RIGHTS COMMITTEE

Sixtieth session

SUMMARY RECORD OF THE 1591st MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 16 July 1997, at 10 a.m.

Chairman: Mrs. CHANET

later: Mrs. MEDINA QUIROGA

later: Mrs. CHANET

CONTENTS

STATEMENT BY THE OFFICER-IN-CHARGE, HIGH COMMISSIONER/CENTRE FOR HUMAN RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (continued)

Initial report of Slovakia (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.97-17337 (E)

The meeting was called to order at 10.10 a.m.

STATEMENT BY THE OFFICER-IN-CHARGE, HIGH COMMISSIONER/CENTRE FOR HUMAN RIGHTS

1. Mr. ZACKLIN (Officer-in-Charge, High Commissioner/Centre for Human Rights), welcoming members of the Committee to Geneva, noted that both the Chairman and Vice-Chairman of the Committee were women. The important role played by women in the defence of human rights had been acknowledged by the Secretary-General in appointing Mrs. Robinson, President of Ireland, to the post of High Commissioner for Human Rights; and he was sure that that appointment would represent a milestone in the history of international human rights law. The experience gained by the Committee since its first session more than 20 years earlier would no doubt be of the greatest value to the new High Commissioner: recent developments on the international scene had made it essential to strengthen mechanisms for monitoring obligations contracted under human rights treaties, and under the two Covenants in particular.

2. The kind of protection afforded by such monitoring was, by its very nature, more legal than political, and was the result of dialogue between independent bodies such as the Committee and States parties concerned to make progress in that area. It was also systematic, in that it dealt with implementation of all human rights in all countries of the world. The Committee's action had in many cases succeeded better than any other procedure in making progress in ensuring the enjoyment of human rights and improving specific human rights situations. It was for that reason that its deliberations, and more specifically its concluding observations and recommendations, would be an undisputed reference-point for the High Commissioner, and that implementation of those observations and recommendations would be one of her principal objectives.

3. Outlining developments in the work of other human rights treaty bodies since the Committee's previous session, he said that the Committee against Torture had considered, inter alia, the special report it had asked Israel to submit concerning the decision taken by the Supreme Court to authorize the use of moderate and reasonable physical and psychological pressure during interrogations of certain suspects. While the Committee had recognized the terrible dilemma faced by Israel in dealing with the scourge of terrorism, it had pointed out that a State party to the Convention against Torture could not invoke exceptional circumstances as a justification of methods prohibited under that Convention. The Committee had also recommended, inter alia, that the methods used by the Israeli security forces should be discontinued immediately, and had requested the State party to respond to its recommendations before 1 September 1997. It should be noted that it was the first time such reports had been requested of a State party, in pursuance of a procedure initiated by the Human Rights Committee five years earlier.

4. A growing number of persons awaiting trial were now submitting communications under article 22 of the Convention against Torture, and thus the Committee's body of jurisprudence in that regard was growing ever larger. He would encourage members to take account of those developments in their work in relation to the Optional Protocol, in particular when questions concerning article 7 of the Covenant came to be discussed.

5. The Committee on Economic, Social and Cultural Rights had taken note of the acceptance by the Dominican Republic of its proposal that two of its members should visit the country in connection with the implementation of article 11, paragraph 1, of the Covenant relating to the right to housing. That mission was to take place in September 1997. In addition, the Committee had submitted a number of recommendations to the Economic and Social Council for approval, including a recommendation that an extraordinary session should be held in 1998.

6. The Committee on the Rights of the Child had noted with interest the progress made in establishing the programme of action intended to strengthen support for the Committee. It had also decided to devote one day of its session, 6 October 1997, to a general discussion on the subject of disabled children.

7. In the course of the coming months the Chairmen of the treaty bodies were to meet in Geneva to identify and evaluate the measures which still needed to be taken in order to improve coordination between the various mechanisms for monitoring implementation of treaties. They would no doubt take account of the conclusions of the seminars held in Cambridge, Potsdam and Toronto, to which a number of members of the Committee had contributed.

8. In conclusion, he congratulated the Committee on the high quality of its work, and expressed the hope that its sixtieth session would be a success.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Initial report of Slovakia (continued) (CCPR/C/81/Add.9)

9. At the invitation of the Chairman, the members of the delegation of Slovakia took places at the Committee table.

10. The CHAIRMAN invited the Slovakian delegation to respond to questions raised by members the previous day in connection with part I of the list of issues (CCPR/C/60/Q/SLO/4).

11. Mr. JEZOVICA (Slovakia) said several questions raised had concerned measures to combat discrimination against women. The Government had set up a coordination committee for questions concerning women, which included representatives of governmental and non-governmental institutions, churches, self-governing bodies and trade unions. Its main tasks were to coordinate policies, to make proposals to the Government, and to draw up a national action plan for improving the situation of women. The Government had also proposed that a gender centre should be opened in Bratislava under United Nations auspices, and that proposal had met with a favourable response. The centre was to be an independent body which would be able to listen to a wide range of views on gender issues and work to enhance the situation of women throughout the country.

12. Mrs. Evatt and Mrs. Medina Quiroga had asked what mechanisms existed to protect the rights of women in the workplace. In the case of a labour dispute the matter would be decided by the ordinary courts, but where rights protected

under the Constitution were involved a complaint could be made to the Constitutional Court. If that Court found that the rights concerned had been violated, the complainant would be entitled to compensation, which would be decided by the normal judicial process. However, one of the problems in making such complaints was that the discrimination had to be proved. So far no applications had been lodged with the Constitutional Court on that issue. On the question of how women victims of crime were protected, he said that the police normally set up special teams of women investigators to deal with such crimes, so as to minimize the psychological trauma suffered by the victims.

13. Mr. Bhagwati had asked whether there was any independent commission in Slovakia to decide on human rights questions. Although no such commission existed, a national institution, the Slovak National Centre for Human Rights, had been set up to promote human rights.

14. In reply to the question from Mr. Buergenthal as to the number of Romas without citizenship in Slovakia, he said that no statistics were available. It might be of interest to the Committee to learn, however, that after the Czechoslovak Federal Republic had ceased to exist, a number of Roma had stayed on in the Czech Republic and had applied unsuccessfully for citizenship. Should a Roma in similar circumstances apply for Slovak citizenship, the Minister of the Interior would be flexible and would not insist that the normal requirements should be met. In 1994, Slovak citizenship had been granted to 19,450 persons, in 1995 to 1,300 persons and in 1996 to 500 persons. Of all the applications made only one had been rejected.

15. In response to Mr. Ando's question whether foreign-language broadcasts were permitted in Slovakia, he said that no restrictions applied, except that films intended for children of under 12 years of age must be dubbed. In the satellite era, television programmes in all languages were freely accessible.

16. Mrs. KRASNOHORSKA (Slovakia) responding to the question raised by Mrs. Medina Quiroga, said there was no open discrimination against women in the culture of Slovakia, as was apparent from the composition of its delegation to the Committee. Under the Slovak education system, gender in no way predetermined the choice of profession: thus, in 1994, out of a total of 1,072 judges 560, or 52 per cent, had been women, and out of 562 procurators 233, or 41.5 per cent, had been women.

17. Mr. PROCHACKA (Slovakia) said a number of questions had concerned the protection of persons belonging to national minorities. Resolution 310 of 30 April 1996 provided for measures to protect the Roma against discrimination and violence. In that area, the Government worked in cooperation with (NGOs) such as the Office for the Legal Protection of Ethnic Minorities, whose role was to monitor violations of the rights of the Roma and give them legal protection. The Roma enjoyed the same access to procedures for lodging complaints as other citizens.

18. Mr. Yalden had asked for figures on the proportion of persons belonging to minorities employed in public administration: the Ministry of the Interior had estimated that in 1991 some 9.5 per cent of all employees in district administrations were Hungarians. However, as he had already stated,

statistics on employees in public administration and in other sectors were not disaggregated on the basis of ethnic, religious or linguistic characteristics since Slovakia would consider that to be discriminatory.

19. Replying to a further question from Mr. Yalden, he said that certificates issued by schools attended by pupils from national minorities were exclusively in the Slovak language because it was required by law that that language be used for all official documents. Certain Members of Parliament of Hungarian nationality had filed a complaint against the Ministry of Education on that issue in the Constitutional Court, but no decision had yet been reached.

20. On the question of liaison between police and the Roma minority in areas where the latter were concentrated, he said that under Act No. 564/91 special police assistants had been appointed, with responsibility for cooperating with the Roma in resolving negative social phenomena. As to bilingual education, he said that a number of seminars had recently been organized by the Ministry of Education to discuss the merits of monolingual as against bilingual teaching. In addition, a Council of Europe seminar on bilingual education was to be held in Slovakia later that year, and representatives of national minorities were to participate. In answer to a further question, he said that children who spoke the majority language did not learn minority languages.

21. Lord Colville had asked what were the functions of government representatives in relation to solving the problems of persons in need of special assistance. Their main tasks were to coordinate the activities of individual ministries, to organize meetings of concerned bodies and institutions, and to prrepare conclusions and recommendations. Those recommendations covered, for instance, the allocation of State funds to solve the social and housing problems of those in need of special assistance, and plans to solve problems affecting the Roma as a result of current socio-economic conditions.

22. In response to a question from Mr. Scheinin, he said that the Act on the State Language of the Slovak Republic, adopted in 1995, was intended to define the status of the Slovak language in public life and to create a solid legal framework for its use, with a view to ensuring the smooth functioning of both central and local administrations. Penalties for infringement of that Act could be imposed only on legal persons, and must be preceded by a warning, but as far as he was aware no such penalty had yet been imposed. In conclusion, he pointed out that there were in fact not one but nine national minorities in Slovakia.

23. Mr. GREXA (Slovakia), in reply to a question from Mrs. Evatt, said that monitoring of information services was required by law and carried out by bodies appointed by Parliament. If an individual considered that his rights had been violated by such monitoring, he was entitled to lodge a complaint with any branch of the public administration. The right of detainees to medical assistance in case of need was guaranteed by law at every stage of detention. Concerning the case of the young man killed by skinheads in 1995, he said that on 12 February 1997 the court had sentenced the minor

primarily responsible to seven and a half years' imprisonment and two others to 8 months' and 27 months' imprisonment respectively; 13 others had been given suspended sentences. The prosecutor had appealed, and the case was to be reconsidered by the Supreme Court.

24. Reference had been made by Mr. Bhagwati to a United States State Department document asserting that people in Slovakia were complaining of an atmosphere of intimidation. It was very difficult to respond to such an assertion, since in every country there were persons who considered that they were being intimidated by the authorities. The case of an ex-policeman who had been killed when his car had exploded had unfortunately not yet been solved. That, too, was the kind of incident, which occasionally occurred in other countries.

25. Replying to Mr. Scheinin, he said that the rights of accused persons and detainees in the armed forces were well regulated: when a person was arrested by the military police, the Code of Criminal Procedure applied in the same way as in the civilian sector. When military personnel committed offences, military rules applied; those rules took account of the specific military factors but guaranteed equality of treatment.

26. In reply to a question concerning the stage at which an arrested person had the right to be assisted by defence counsel, he said that under the Code of Criminal Procedure the arrested person must be informed immediately of the reasons for his arrest and had the right immediately to choose his defence counsel. In other words, the defence counsel could act from the moment of the arrest or as soon as he had been contacted thereafter.

27. Replying to Mrs. Medina Quiroga, he said that the Penal Code did not define "a particularly dangerous crime", but stated in article 3 (4) that the danger posed by a criminal act was determined mainly by the value of the object protected, the manner in which the offence had been committed, the consequences of the offence, the circumstances in which it had been committed and the individual who had committed it, especially his motivation.

28. In reply to another of her questions, he said that the legal order in the Slovak Republic made no distinction between those injured by defamation. There was a general offence of defamation which affected everyone, and there were specific provisions that protected State agents. Replying to a further question, he explained that article 70 of the Code of Criminal Procedure stated that both the relatives and the lawyer of an arrested person must be informed of his arrest without delay.

29. Mr. JEZOVICA (Slovakia), replying to a question from Mr. Kretzmer, said that all nine members of the Slovak Republic's Council for Radio and Television Broadcasting were elected by the National Council but none was a member of any particular party or movement. Six members were nominated by the governing coalition and three by the opposition parties.

30. Mr. BUERGENTHAL said he had had no reply to his questions concerning any educational measures the Government might have taken to promote ethnic tolerance through school curricula and the State-controlled media. In

particular, had any measures been taken to ensure that school textbooks did not contain ethnic stereotypes, especially anti-Roma and anti-Semitic statements?

31. Mrs. KRASNOHORSKA (Slovakia) said there was a document which provided detailed information on the subject; she would send it to Committee members upon her return to Bratislava.

32. Mr. KRETZMER said he had asked about the termination of the autonomous status of ethnic Hungarian and Roma theatre groups.

33. Mrs. KRASNOHORSKA (Slovakia) said that that information too would be supplied by the delegation shortly.

34. Mr. ANDO said questions had been asked regarding the mandatory provision of defence counsel for arrested persons and detainees, specifically with respect to who paid for the defence counsel at the investigation stage, and whether the State paid only at the trial stage.

35. Mr. GREXA (Slovakia) said that mandatory defence was provided for under the law from the beginning of an investigation; it was provided without charge to the detainee and paid for by the State.

36. Mr. PRADO VALLEJO said he had asked the general question whether any project or programme existed to review domestic enactments in order to bring them into conformity with the norms and principles laid down in the Covenant.

37. Mrs. MEDINA QUIROGA said her question, and that of other members, regarding the third sentence of paragraph 49 of the report (CCPR/C/81/Add.9) had been why legal aid was conditional if everyone had the right to it.

38. Mr. JEZOVICA (Slovakia) said that the legal system of the Slovak Republic was subject to change and would follow developments in international law. If the Committee could point to any specific issues requiring immediate attention, his delegation would be pleased to communicate them to the National Council.

39. Mr. GREXA (Slovakia), replying to the point raised by Mrs. Medina Quiroga, said that from the outset it should be stressed that the right of everyone who was prosecuted, accused or placed in detention to have a defence counsel was guaranteed; it was absolutely impossible to be deprived of that right. The problem possibly lay with the institution of mandatory defence. What happened in the vast majority of cases was that the right to have a defence counsel, was exercised in such a way that if the accused person or detainee did not choose or did not wish to choose a defence counsel, the State was obliged to appoint one ex officio. However, when someone who had committed a minor offence was being prosecuted for it while remaining free and had taken no action to choose a defence counsel, the State was not obliged to appoint one.

40. Mrs. Medina Quiroga took the Chair.

41. Mr. BHAGWATI sought to clarify the question by asking whether it was in all kinds of cases that legal aid must be provided by the State or only in certain kinds of cases. If so, in which cases?

42. Mr. GREXA (Slovakia) said that once court proceedings had begun, a defence counsel was mandatory in all cases; it was impossible for someone appearing before a court not to have a lawyer. The question of mandatory defence concerned only the pre-trial stage; once a case had come before a court defence was always assured.

43. The CHAIRMAN invited the Slovak delegation to answer the questions contained in part II of the list of issues (CCPR/C/60/Q/SLO/4).

44. Mr. JEZOVICA (Slovakia), replying to question 13, said article 11 of his country's Constitution stated that international agreements concerning human rights which had been ratified by Slovakia and promulgated had precedence over domestic law on condition that they provided more extensive rights and freedoms. The Constitution also reflected that precedence in its section relating to the competence of the Constitutional Court. The Covenant therefore had precedence where the domestic legal order limited the rights it guaranteed. When the Constitution had been drawn up in 1992, due regard had been taken of the Covenant's provisions but its wording probably reflected more closely the wording of the European Convention for the Protection of Human Rights and Fundamental Freedoms. He referred to two cases which had been dealt with by the Constitutional Court and in which the Covenant had been directly invoked by the party and by the Court. The General Comments of the Committee had been useful in helping the Constitutional Court to define the terms used in the Covenant and to draft its decisions in accordance with its provisions.

45. Replying to question 14, he said that before its departure for Geneva his delegation had informed the Slovak media regarding its initial report, the Covenant and the Optional Protocols. The Covenant was published in the Collection of Laws, which contained all documents with legal effect, including international agreements to which Slovakia was a party; the Collection of Laws was a public document which was readily accessible and on the shelves of most public libraries. Specific measures regarding the dissemination of information on the rights recognized in the Covenant were listed in a book which would be sent to the Committee; it was published in two volumes by the Ministry of Culture and contained basic human rights instruments, including the Covenant. It was widely distributed in the Slovak and Hungarian languages. The National Council of the Slovak Republic had also initiated publication of the texts of human rights documents accompanied by scholarly commentaries and opinions. An important role in the dissemination of information on the rights guaranteed by the Covenant was played by the National Centre for Human Rights, which organized training courses, workshops and seminars on the subject, and various NGOs.

46. Mr. GREXA (Slovakia), replying to question 15, said that the authorities in his country were convinced that the mediation mechanism was an important tool in the protection of human rights and fundamental freedoms, and that the institution of an Ombudsman was such a tool. The authorities were aware of a general trend in Europe and elsewhere towards establishing public protection

of human rights, and planned to create an Ombudsman's Office. The decision to do so had formed part of a series of legislative and institutional measures to improve control within the State administration, and the National Council had intended that the Ombudsman would be an independent authority monitoring compliance by the State administration with human rights and freedoms and settling petitions and complaints from citizens. The draft law had been prepared in accordance with that decision, but it had gradually become clear that other concepts should also be considered. The early experience gained by the Office of the Agent of the Slovak Republic at the European Commission for Human Rights and the European Court of Human Rights had been that complaints were usually about delays in proceedings. There were therefore arguments for giving an Ombudsman authority not only for the sphere of State administration but also for the judicial sphere, and the Slovak authorities were considering what framework would best suit Slovak requirements and conditions.

47. Mr. JEZOVICA (Slovakia), referring to question 16, said that article 23 of the Constitution guaranteed freedom of movement, including the right of anyone lawfully on Slovak territory to leave and return to it, and deemed any forced departure or extradition illegal. The enhancement of legal provisions to extend such rights had been under way since 1989. Act No. 219/91, relating to travel documentation, stated that citizens could travel abroad, with valid documentation, the actual requirements depending on reciprocal arrangements. In some circumstances, for example, the identity document need not be a passport. Conditions for refusing passport applications were governed by that Act; any refusal must be based on reasons such as financial default or criminal proceedings. Any person over 15 years of age could apply for a passport; applications for younger persons were submitted by a legal representative. Travel documents confiscated for any reason were returned to the issuing office, which had 15 days in which to decide whether there was a right of appeal; such decisions could be subject to review by the courts. There were no visa requirements in respect of most European countries, as a result of agreements concluded. For nationals subject to such requirements, requests could be made at a Slovak diplomatic mission or consulate. Visas could be revoked in cases of criminal acts, illegal entry, lack of financial means of support, violation of narcotics regulations and risk to State security, public order, health or the rights of others; but no one could be deported to a country where he or she would be in danger on grounds such as racial origin, political opinions or religious belief, or where a crime committed by that person was punishable by death. Decisions to deport were taken by the police, but could be appealed against to the Ministry of the Interior; it was also possible to appeal to the Supreme Court for review of a ministerial decision.

48. In reply to question 17, he said that Act No. 283/95 set forth the conditions governing application for refugee status. Applications could be written or oral, and submitted at a border post or police station within 24 hours of arrival; they were sent to the Ministry of the Interior for consideration. Applicants were accommodated in refugee camps and provided with necessities, including food and a stipend, and classes in the Slovak language if desired. According to data currently available, 425 applications had been received during 1997. Of those, 21 had been accepted and 48 rejected; proceedings had been terminated in respect of the others. Over

the past four years, according to Ministry of the Interior statistics, 219 applications had been dismissed; of those, 186 had been the subject of appeal to the Ministry, and 133 of them had been the subject of further appeal to the Supreme Court for review of a ministerial decision.

49. Mrs. Chanet resumed the Chair.

50. Mrs. LAMPEROVA (Slovakia), referring to question 18, said that the status of the judiciary was governed by provisions of the Constitution and other enactments. Judges were elected for a four-year period, and could be re-elected for the same period, by Parliament, on the recommendation of the Government. The President and Vice-President of the Supreme Court were likewise appointed from among judges of that Court; their term of office was five years, with a maximum of two successive terms. Judges could resign and could also be impeached by Parliament for reasons such as intentional crime or acts incompatible with their office. Parliament could also revoke a judge's mandate on health grounds, for at least one year and if the judge was aged 65 or more. Such actions were subject to a prior ruling by the appropriate disciplinary body. The President and Vice-President of the Supreme Court could be dismissed by the Minister of Justice. The State guaranteed the independence of the judiciary, inter alia by ensuring non-interference in their work and adequate remuneration. An amendment to the Courts and Judges Act, which had entered into force in 1995, was an example of moves to enhance the democratic nature of the courts, based on experience of European practice. A further example related to the status of the Councils of Judges, currently non-autonomous advisory bodies, which was being modified.

51. Question 19 related to legislation and practice in respect of the right to protection of privacy. In that regard, the powers of the police were prescribed by Act No. 171/93 and in the Code of Criminal Procedure. Permitted action by the police was generally of two types: normal everyday acts such as checking vehicles or preventing entry into hazardous locations; and apprehension because of suspected commission of a crime or intention to commit a crime. Paragraph 88 of the Code of Criminal Procedure governed the conditions under which wire tapping could be carried out. Decisions to that effect must be in writing, justified and sanctioned by an authority, for example, the Procurator in the case of pre-trial proceedings or the presiding judge of a panel in respect of proceedings already heard. Wire tapping of conversations between lawyers and clients was prohibited.

52. Mr. GREXA (Slovakia), referring to question 20, said that the conditions for registration of religious societies were clearly defined by law. Act No. 308/91 dealt with freedom of religion and the status of churches and ecclesiastical associations; under the Act an association could request registration if it had at least 20,000 adherents. However, a number of societies having a considerably smaller membership, but State-recognized before the Act had come into force, were registered.

53. Requests must provide administrative information such as the society's name, headquarters address and officials, as well as a statement acknowledging respect for national laws and tolerance of other societies and non-believers. Documentation was required on the society's status and management, including details of persons authorized to receive stipends and how they were appointed

and dismissed. Registration was carried out by the Ministry of Culture, which also looked into aspects such as conformity with the law, morality, tolerance and respect for the rights of others. Registration by the Ministry was an administrative act, governed by the administrative code in force. The Supreme Court could be requested to review any refusal of registration. Currently, 15 churches and religious associations were registered.

54. Registered societies were entitled to certain benefits, such as State assistance in funding and access to the media, schools, hospitals and prisons; the Slovak authorities did not view as discriminatory the fact that non-registered societies enjoyed no such benefits.

55. With reference to the last sentence of question 20, Act No. 282/1993 Coll. on the mitigation of property injustices to churches and religious societies had been welcomed by a speaker at the Tenth Assembly of the World Jewish Congress in January 1996, who had said that, although its implementation had been slow, the Act was a model in some respects. It stipulated that churches could request, in writing, the restitution of confiscated land and other property within 80 days of the date of application, in relation to confiscations between 1945 and 1990 and, in respect of Jewish property, between 1939 and 1990. Cases of failure to restitute could be brought before a court within 15 months. The Act provided, however, that the property was to be restored in the state it had been in at the time the Act had entered into force, there being no provision for financial compensation. It also provided that restitution of land could be refused for reasons such as irrevocable conversion, e.g. to a cemetery, or on ecological grounds. It also covered special cases relating to premises currently occupied by schools, or which had become sites of historic interest. The time-limit for requests had been 31 December 1994. Clearly, such a complex subject was not without problems, and the Act could not rectify all injustices, including those suffered by countless individuals as well as societies; nevertheless, it had helped to alleviate some.

56. Mr. JEZOVICA (Slovakia), replying to question 21 on the list of issues concerning conscientious objection, said that under article 25 (2) of the Constitution no one could be forced to perform military service if that ran counter to his conscience or religious belief. Act No. 207 of 1995 now regulated the conditions of exercise of that right, and notably the performance of civilian service in the public interest that was imposed as an alternative. Persons who were by profession responsible for weapons or connected with such responsibility were prevented by law from engaging in civilian service. Conscientious objection must be declared in a substantiated statement to be submitted to the military authorities within 30 days of receipt of a conscription order or - in the case of reservists liable to call-up for war games - by 31 January of the calendar year but no sooner than two years after performing active military service. As determined by the Constitutional Court in a case which he described in some detail, the time-limits must be respected, and in addition, to be legally valid, statements must include various personal data as well as substantiation of the incompatibility between military service and the applicant's conscience or religious belief. Official acknowledgement of an objector's statement and notification of the concomitant duty to perform civilian service were communicated in a certificate issued by the military authorities, together

with information concerning the rights and obligations associated with civilian service. The military administrative office also issued brochures to potential employers setting out the conditions governing such service.

57. Refusal to approve alternative civilian service could be appealed against to the courts. Revocation of an earlier statement of objection to military service was also possible, subject to certain conditions. The rights and benefits of persons engaged in civilian service - notably in terms of wages, food, accommodation and clothing - were the same as those of conscripts performing military service. The working hours of an objector could not exceed the legal limits for the type of activity performed.

58. In 1996, a total of 6,144 persons had been performing civilian service; another 7,810 had been awaiting such service. Altogether in the same year, 1,736 persons had made statements of objection to military service.

59. Replying to question 22 on the impact of the new law requiring registration of NGOs and imposing financial requirements on their establishment, he observed that while the freedom of association as such was not considered a subject requiring legal regulation, a great deal of consideration had been given since 1991 to the need to introduce certain restrictions, notably with regard to foundations, many of which had property interests. The law adopted in 1996 remained the subject of considerable debate. For example, the requirement that a foundation must have a capital of 100,000 Slovak koruny, to be raised within a six-month period following registration, had been contested, but had also been shown to compare quite favourably with similar requirements in Germany, Denmark and elsewhere.

60. As to the equally controversial requirement of registration by the administrative section of the Ministry of the Interior, he pointed out that the drafters of the law had carefully examined the situation in other countries before endorsing that provision, which in any case carried with it a safeguard in the form of the possibility of judicial review of any ministerial decision on regulation. Foundations registered before the enactment of the 1996 law were required to reapply by 1 September 1997, by which time the impact of the new provisions could be more properly assessed. His delegation would gladly communicate the findings to the Committee for further discussion if its members so desired.

61. Mrs. KRASNOHORSKA (Slovakia), responding to the request in question 23 for more information on measures against sexual exploitation of children and the situation of children becoming stateless, said that Slovakia was deeply committed to the implementation of the Declaration of the Rights of the Child, and had supported the European initiative on children's rights at the most recent session of the Commission on Human Rights. But while there had undoubtedly been progress in the protection of children in Slovakia, it must be admitted that they continued to suffer abuse and ill-treatment, including sexual exploitation involving pornography and prostitution. Official figures indicated that between 1993 and 1996, four cases (three involving boys and one a girl) had been recorded. Obviously, the legal protection accorded by the Penal Code and the Family Act was insufficient. Supplementary measures had therefore been recently introduced, including the creation of special centres to deal with juveniles at all levels of the police structure, greater

coordination of the activities of State and local authorities and relevant institutions, and international cooperation. In addition, sexual exploitation was the subject of study and research, and many preventive actions had been launched.

62. Act No. 40/1993 on nationality made it virtually impossible for children in Slovakia to become stateless. Slovak nationality was automatically accorded to a child with at least one parent of that nationality, as well as to Slovakian-born children of stateless parents or of foreign parents whose nationality they did not acquire.

63. The CHAIRMAN invited a final round of comments from members of the Committee.

64. Mr. POCAR said that he had one or two outstanding concerns. The first was to establish the exact status of the Covenant within the constitutional framework of Slovakia. From paragraphs 7 and 8 of the report (CCPR/C/81/Add.9), he understood that when a law was declared unconstitutional, it would become ineffective after six months if the competent authorities, i.e. the Executive or Parliament, had not brought its provisions into conformity with the constitutional requirements. Was he right in further concluding that modification of the law in question could result in its remaining on the statute book? If that was indeed the case, then it seemed to him that the only way of verifying that the modifications intended in the ruling of the Constitutional Court had been made would be to bring the matter once again before the Court, which could prove a very lengthy process. His own preference would certainly be for the automatic and straightforward deletion of unconstitutional provisions, so as to avoid tinkering that failed properly to address the original concern, which must be to remove or revise legislation of the past that was incompatible with a new and democratic Constitution. Further information on both the theoretical and practical aspects of that matter would be welcome.

65. A further source of puzzlement was the impression he had gained from a reading of articles 132 and 125 of the Constitution that international instruments had, generally speaking, a standing lower than domestic law. Thus, while regulations listed under article 125 (c), namely "generally binding decrees issued by territorial self-administration bodies", must, if incompatible, be brought into harmony with international instruments to which Slovakia was a party, the same specific provision was not mentioned in relation to regulations listed under article 125 (b), which included "decrees issued by the Government and generally binding legal regulations issued by ministries and other central bodies of State administration". That discrepancy was, in turn, at variance with the provisions of article 11, according to which "international treaties on human rights and basic liberties ... ratified by the Slovak Republic and promulgated in a manner determined by law [take] precedence over its own laws".

66. Turning to the issue of religious freedom, he said he found it difficult to see how a law that required the registration of churches could be compatible with that freedom, especially when the criterion of numbers was added. Registered churches obviously enjoyed a variety of privileges. Did that not imply discrimination against churches which failed to meet the requirements for registration? He further asked whether the financing of registered churches took the form of subsidies or grants for specific

activities (such as education, health services and so on), what percentage of the population were not members of any of the 15 registered churches, and whether the restitution of church property was accorded only to those that were registered or to all religious institutions in Slovakia.

67. On the question of conscientious objection, he noted the confirmation of the constitutionality of establishing time-limits for statements of objection, but asked whether future conscripts were actually informed of that provision. Further noting that such statements must include, among other things, a demonstration of the incompatibility between military service and the signatory's religious belief, he asked whether a demonstration along the same lines, but on grounds of conscience by a non-believer, would be favourably considered. What, indeed, were the grounds for refusing statements of objection? Lastly, what justifications were there for differences in the length of military and civilian service, which, unless there were good reasons, could be seen as punitive.

68. Mrs. GAITAN DE POMBO welcomed the informative report and its presentation of activities related to the installation of a new democratic order, and the identification of problems encountered in that connection. It was useful for the Committee to learn about the status of the Covenant and of its implementation in all parts of society in all countries.

69. She welcomed the confirmation of Slovakia's abandonment of the death penalty and the withdrawal of its reservation concerning article 20 of the European Convention against Torture. She further noted the abandonment of any statute of limitation concerning prosecution for war crimes; she would welcome further information on the strengthening of legislation in that respect as well as comments on the elimination of the notion of impunity.

70. Mr. KLEIN associated himself with Mr. Pocar's remarks concerning the status of the Covenant in the constitutional and legal framework of Slovakia. Referring to article 11 of the Constitution, he inquired how it was to be determined that international treaties on human rights and basic liberties actually secured "a greater extent of constitutional rights and liberties" than national laws. Would such a determination be made globally, or on a case-by-case basis?

71. Concerning the independence of the judiciary, he concurred with the view that junior judges elected or appointed upon leaving law school would obviously lack experience, and should be at first engaged on a probationary basis. In that connection, it would be useful if the judiciary itself were accorded a greater say in the matter of extending or renewing appointments for limited periods or indefinitely after the probationary stage, a matter which ought not to be left to the Executive and Parliament.

72. Mr. KRETZMER said that he shared the previous speaker's concern about various aspects of the temporary appointment of judges, and would also welcome information concerning their remuneration. He understood that the Slovak Association of Judges had put forward some suggestions with regard to legislation on matters concerning the judiciary, and inquired about the status of those suggestions.

The meeting rose at 1.05 p.m.